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November 2, 2007

TTAB

U.S. Patent & Trademark Office
Trademark Trial & Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Opposition No. 91162780 and Counterclaim for Cancellation
Applicant/Petitioner: Keith Cangiarella
Opposer/Respondent: Gold Shells, Inc.


Ladies/Gentlemen:

I am enclosing the original of a Notice of Unavailability for filing in the above-referenced proceeding.

I am also enclosing a post card for you to acknowledge receipt and filing of the notice with your file stamp and return to me.

Thank you.

Very truly yours,



Peter H. Smith

PHS/lmb
Enclosures

cc: Gold Shells, Inc.
Mr. Roger Rojas



11-05-2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark
Application Serial No. 78/229,875
Mark: MESSAGE IN A BOTTLE

GOLD SHELLS, INC.,
a California corporation,
Opposer,

v.

KEITH CANGIARELLA,
Applicant.

In the Matter of Trademark
Registration No. 2,243,269
Mark: MESSAGE IN A BOTTLE

KEITH CANGIARELLA,
Petitioner,

v.

GOLD SHELLS, INC.,
Respondent.

Opposition No. 91162780 and
Counterclaim for Cancellation

NOTICE OF UNAVAILABILITY

TO THE TRADEMARK TRIAL & APPEAL BOARD AND TO APPLICANT
KEITH CANGIARELLA:

NOTICE IS HEREBY GIVEN that commencing Tuesday, November 6, 2007,
and continuing through Wednesday, November 28, 2007, Peter H. Smith, Attorney
at Law, will be unavailable for any purpose whatsoever, including but not limited to
receiving notices of any kind, responding to ex parte applications, appearing in court,

or attending depositions.

Dated: November 2, 2007



PETER H. SMITH

Attorney for Opposer Gold Shells, Inc.
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Certificate of Service

I hereby certify that a copy of the foregoing NOTICE OF UNAVAILABILITY was faxed to Applicant Keith Cangiarella at (714) 464-4112, and mailed by first-class mail, postage prepaid, to Applicant Keith Cangiarella at 331 N. Harrington Drive, Fullerton, CA 92831, on November 2, 2007.

Dated: November 2, 2007.



PETER H. SMITH

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR §2.197

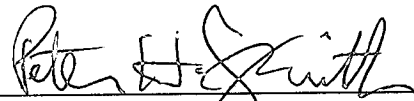
Mark: MESSAGE IN A BOTTLE

Opposition No. 91162780

Name of parties filing paper: Gold Shells, Inc.

Type of paper being filed: Notice of Unavailability

I hereby certify that the above-identified Notice of Unavailability, which is attached, is being deposited on November 2, 2007, with the United States Postal Service by first-class mail, postage prepaid under 37 CFR §2.197 in an envelope addressed to: Trademark Trial & Appeal Board, U.S. Patent & Trademark Office, P. O. Box 1451, Alexandria, VA 22313-1451.



PETER H. SMITH

Date: November 2, 2007.